



***The Public Service Commission  
State of South Carolina***

Charles L.A. Terreni  
Chief Clerk/Administrator  
Phone: (803) 896-5133  
Fax: (803) 896-5246

219346  
COMMISSIONERS  
Elizabeth B. "Lib" Fleming, Fourth District  
*Chairman*  
John E. "Butch" Howard, First District  
*Vice Chairman*  
David A. Wright, Second District  
Randy Mitchell, Third District  
G. O'Neal Hamilton, Fifth District  
*vacant*, Sixth District  
Swain E. Whitfield, At-Large

Docketing Department  
Jocelyn G. Boyd, Deputy Clerk  
Phone: (803) 896-5114  
Fax: (803) 896-5199

September 25, 2009

Ms. Mary Hester Williams (Carter)  
305 California Street  
York, South Carolina 29745

Catherine E. Heigel, Esquire  
Duke Energy Carolinas, LLC  
526 S. Church Street, ECO3T  
Charlotte, North Carolina 28202

Shannon Bowyer Hudson, Esquire  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201

COPY  
Posted: led  
Dept: S.A.  
Date: 9/25/09  
Time: 12:20

RECEIVED

SEP 25 2009  
PSC SC  
DOCKETING DEPT.

Re: Mary Hester Williams (Carter), Complainant/Respondent v. Duke Energy Carolinas, LLC, Defendant/Respondent  
Commission Docket No. 2009-341-E

Dear Ms. Williams, Ms. Heigel, and Ms. Hudson:

Enclosed please find a proposed order in the above-captioned docket, which is being delivered to you pursuant to the requirements of 26 S.C. Code Ann. Regs. 103-841(C). As parties of record in Docket No. 2009-341-E, you have ten (10) days from your receipt of this proposed order to file exceptions, present briefs, and/or file written requests for oral argument to the Commission, if you should desire to do so. If none of these are received by me within 10 days of your receipt of the proposed order, I will request that the Commission issue its order in this case based upon the record of the formal proceeding and the proposed order.

Thank you in advance for your consideration in this matter.

Sincerely,

*Jocelyn G. Boyd*

Jocelyn G. Boyd  
Hearing Examiner

Enclosure

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2009-341-E - ORDER NO. [Order No.]  
SEPTEMBER 24, 2009

IN RE: Mary Hester Williams,	)	HEARING EXAMINER'S
	)	PROPOSED ORDER
Complainant/Petitioner,	)	DISMISSING
	)	COMPLAINT
vs.	)	
	)	
Duke Energy Carolinas, LLC,	)	
	)	
Defendant/Respondent.	)	

RECEIVED

SEP 25 2009

PSO SC  
DOCKETING DEPT.

This matter comes before the Public Service Commission of South Carolina (Commission) by way of a complaint filed by Mary Hester Williams (Carter) against Duke Energy Carolinas, LLC (Duke Energy or the Company). A hearing was convened on Tuesday, September 15, 2009, at 10:00 a.m. in the offices of the Commission in Columbia, South Carolina, before Jocelyn Boyd, Hearing Examiner. Ms. Mary Hester Williams did not appear at the hearing. Ms. Williams received notice of the September 15, 2009, hearing. Duke Energy was represented by Catherine Heigel, Esquire. The South Carolina Office of Regulatory Staff (ORS) was represented by Shannon Bowyer Hudson, Esquire.

Ms. Barbara Yarbrough, Rates Director for Duke Energy testified on behalf of the Company. One of Ms. Yarbrough's duties as Rates Director is responding to customer

inquiries including those directed to the ORS. She is also responsible for assisting in the development, implementation, and proper administration of the Company's rate schedules and service regulations, as well as administering the Commission's rules and regulations. Ms. Yarbrough testified that she is familiar with Ms. Williams' complaint, as well as other complaints filed by Ms. Williams with the Commission.

According to Ms. Yarbrough's testimony, Ms. Williams contends in the instant docket that she has been over-charged and that she is entitled to a refund of the amounts she states that she overpaid to Duke Energy. Ms. Yarbrough testified that Ms. Williams was billed for the usage at her residence at rates approved by the Commission. Further, Duke Energy's records reflect that Ms. Williams has not paid for all of the electricity she consumed. Ms. Williams' electric service was terminated most recently for nonpayment of bill in May 2006. The balance on Ms. Williams' account is \$552.97.

In response to Ms. Williams' allegations that she has been overcharged by Duke Energy, Ms. Yarbrough testified that Ms. Williams has not accepted that the Commission-approved residential rate schedule is the correct rate applicable to her usage. Further, Ms. Williams disputes the fact that the Public Service Commission of South Carolina, and not the Federal Energy Regulatory Commission or other entity, has jurisdiction over the rates and service practices of Duke Energy in the state of South Carolina. Instead Ms. Williams attempts to use any other price, not including Duke Energy's South Carolina Commission approved electricity rates, according to Ms. Yarbrough.

Ms. Yarbrough's testimony reveals that Ms. Williams references non-South Carolina Duke Energy approved rates, as justification as to what her rates should be. Ms. Williams, in her complaint, cites the \$4.00 per 1000 kWh block contribution under the NC GreenPower Program from an article in the Charlotte Observer as the appropriate rate for 1000 kilowatt hours of power she used. Ms. Yarbrough testified that Ms. Williams also extracted the amount for a 1000 kilowatt hour per month bill from a newspaper notice related to North Carolina rates and subtracted this amount from what she was billed in an attempt to illustrate an overcharge on an amount that she claims to have paid but did not pay.

Ms. Yarbrough stated that North Carolina rates are not applicable in South Carolina, and that Ms. Williams' actual electricity usage far exceeded the 1000 kilowatt hours on which the North Carolina typical bill example was based. Ms. Yarbrough opines that Ms. Williams does not understand the impact on her electric bill of using electric space heaters and the significant increase in usage that these appliances cause. In response to Ms. Williams' allegation that Duke Energy has violated the law, Ms. Yarbrough contends that all of the references in Ms. Williams' complaint are not related to her request for retail electric service in South Carolina and all of the references in her complaint are from federal law, the Federal Energy Regulatory Commission, or North Carolina law.

Duke Energy is willing to reconnect Ms. Williams' electric service account when Ms. Williams pays the outstanding bill of \$552.75 plus a deposit of \$500.00 or provide a satisfactory guarantor. According to Ms. Yarbrough, this deposit request is less than the

highest two consecutive months of her previous usage at current rates. Ms. Yarbrough recommends that the Commission reject Ms. Williams' complaint and rule in favor of Duke Energy. The Company recommends that the Commission encourage Ms. Williams to seek assistance from appropriate federal, state and local agencies to help pay her power bill arrearages and the deposit required to reconnect service to her residence.

### **FINDINGS OF FACT**

1. We find that Ms. Williams filed a complaint with the Commission requesting that her electricity service be reconnected to her residence and that her account be adjusted for overcharges that she previously paid Duke Energy.

2. We find that Ms. Williams' electricity service was terminated most recently for nonpayment of bill in May 2006.

3. We find that the last payment credited to Ms. Williams' charged off account was posted in July of 2008 in the amount of \$25.00.

4. We find that Duke Energy has properly charged Ms. Williams and has not overcharged Ms. Williams for her electricity service.

5. We find that Duke Energy's records regarding Ms. Williams' account, including arrears, are correct and that Ms. Williams owes an outstanding balance on her account in the amount of \$552.97.

6. We find that Ms. Williams must pay the outstanding bill of \$552.75, plus a deposit of \$500.00 or provide a satisfactory guarantor to have her electricity service restored.

7. We find that the relief requested in Ms. Williams' complaint should be denied.

### **CONCLUSIONS OF LAW**

1. The Commission concludes that Ms. Williams' request for reconnection of electricity service and the adjustment of her account to reflect overcharges should be and is denied.

2. The Commission concludes that Duke Energy has not overcharged Ms. Williams for electricity service and that Duke Energy has properly charged Ms. Williams for electricity service.

3. The Commission concludes that Ms. Williams shall pay the outstanding bill of \$552.75, plus a deposit of \$500.00 or provide a satisfactory guarantor to have her electricity service restored.

4. The Commission concludes that Duke Energy shall mail a list of local agencies to Ms. Williams so that Ms. Williams can contact these agencies to seek assistance to pay her power bill arrearages and the deposit required to reconnect service to her residence.

### **ORDER**

Ms. Williams' complaint is denied and dismissed. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

\_\_\_\_\_  
Elizabeth B. Fleming, Chairman

ATTEST:

\_\_\_\_\_  
John E. Howard, Vice Chairman  
(SEAL)